

REMARKS

Claims 1, 2 and 19 have been amended. Claim 9 has been canceled, without prejudice. Claims 1-8 and 10-19 are pending in the application. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

The drawings are objected to under 37 CFR 1.83(a). Claim 9 is canceled by amendment, thus the objection to the drawings is now moot. Withdrawal of the objection is requested.

Claims 1 and 19 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Claims 1 and 19 are rejected as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. In response, claims 1 and 19 are amended to recite "a light source configured to shine the light on the optical disk." This clearly defines cooperative relationships between the light source and the optical disk. Withdrawal of the rejection is respectfully requested.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato. This rejection is respectfully traversed.

Claim 1, as amended, recites "a light beam regulating unit to extract from the condensing light beam a partial-cross-section light beam corresponding to only a part of a cross section of the condensing light beam." Namely, a partial-cross-section light beam corresponding to only a part of a cross section of the condensing light beam is extracted.

Kato refers to an optical pick-up device to reproduce an information signal recorded on a multi-layer optical disc having a plurality of information signal storage layers on which information signals are stored (Abstract). The device (Fig. 3) includes a collimator lens 7, diffraction grating 8, beam splitter 9, 1/4 wavelength plate 10 and an objective lens 11 disposed between the laser 6 and the two-layer optical disk 5. The device also has a photo-detector 14 for receiving a light beam

reflected from the optical disc 5 and a focusing lens 12 provided between the photo-detector 14 and the beam splitter 9. (Column 6, lines 46-58).

Kato does not disclose or suggest extracting only a part of a cross section of the light beam. The whole cross section of the light beam is shone on the photo-detectors 24A and 24B. Accordingly, Kato fails to teach the extraction of “a partial-cross-section light beam corresponding to only a part of a cross section of the condensing light beam” as recited in amended claim 1.

Furthermore, claim 1 recites “one or more photo detectors having a first photo detecting section to detect the light reflected by the first recording layer and a second photo detecting section to detect the light reflected by the second recording layer, and the first and second positions being spaced apart from each other along an optical axis of the light condensing optical unit.” The one or more photo detectors are situated between the first position and the second position. Furthermore, the first position is the position where the light reflected by the first recording layer contained in the partial-cross-section light beam is condensed, and the second position is the position where the light reflected by the second recording layer contained in the partial-cross-section light beam is condensed.

Kato fails to disclose or suggest one or more photo detectors situated between the first position and the second position wherein the first and second positions are spaced apart from each other along an optical axis of the light condensing optical unit. Since Kato does not disclose all the limitations of claim 1, claim 1 is not anticipated by Kato. Claims 2-4 depend from claim 1 and are patentable at least for the reasons mentioned above. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claims 5-8 are rejected under 35 U.S.C 103(a) as being unpatentable over Kato in view of Freeman. This rejection is respectfully traversed.

Claims 5-8 depend from claim 1, which is allowable over Kato as stated above. Applicant respectfully submits that Freeman, which has been cited as teaching a light splitting unit

that is a hologram, fails to cure the deficiencies of Kato. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Hasegawa. Claim 9 has been canceled. Therefore, the rejection as to this claim is moot.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Ogasawara. This rejection is respectfully traversed.

Claim 10 depends from claim 1, which is allowable over Kato as stated above. Applicant respectfully submits that Ogasawara, which has been cited as teaching a drive unit configured to drive the light condensing unit in a direction of an optical axis of the light condensing unit, fails to cure the deficiencies of Kato. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Magnitski. This rejection is respectfully traversed.

Claim 11 depends from claim 1, which is allowable over Kato as stated above. Applicant respectfully submits that Magnitski, which has been cited as teaching a drive unit configured to drive the one or more photo detectors in a direction of an optical axis in respect of a photo detecting surface of the one or more photo detectors, fails to cure the deficiencies of Kato. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Tada. This rejection is respectfully traversed.

Claim 12 depends from claim 1, which is allowable over Kato as stated above. Applicant respectfully submits that Tada, which has been cited as teaching an opto-electrical device having a refractive index changing in response to an applied voltage, fails to cure the deficiencies of

Kato. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Maeda. This rejection is respectfully traversed.

Claims 13-15 depend from claim 1, which is allowable over Kato as stated above. Applicant respectfully submits that Maeda, which has been cited as teaching a signal obtaining unit and a reproducing unit, fails to cure the deficiencies of Kato. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Ogasawara, and further in view of Maeda. This rejection is respectfully traversed.

Claim 16 depends from claim 1, which is allowable over the Kato and Ogasawara combination as stated above. Applicant respectfully submits that Maeda, which has been cited as teaching a signal selecting unit and a reproducing unit, fails to cure the deficiencies of the Kato and Ogasawara combination. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Magnitski, further in view of Tada, and furthermore in view of Maeda. This rejection is respectfully traversed.

Claim 17 depends from claim 1, which is allowable over the Kato and Magnitski combination as stated above. Applicant respectfully submits that Maeda, which has been cited as teaching a signal selecting unit and a reproducing unit, and Tada, which has been cited as teaching a drive control unit, fail to cure the deficiencies of the Kato and Magnitski combination. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Tada, and further in view of Maeda. This rejection is respectfully traversed.

Claim 18 depends from claim 1, which is allowable over the Kato and Tada combination as stated above. Applicant respectfully submits that Maeda, which has been cited as teaching a signal selecting unit and a reproducing unit, fails to cure the deficiencies of the Kato and Tada combination. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Fujita. This rejection is respectfully traversed.

Claim 19 has similar limitations to claim 1, which is allowable over Kato as stated above. Applicant respectfully submits that Fujita, which has been cited as teaching use of a partial light beam not exceeding half of the cross section as divided by a straight line passing through a center of the cross section, fails to cure the deficiencies of Kato. Furthermore, Fujita relates to a focus error detecting device and is not related to separating light components reflected from multiple layers. Thus, one skilled in the art would not have attempted to modify Kato with Fujita. Since the Kato and Fujita combination does not disclose all the limitations of claim 19, claim 19 is not rendered obvious by the cited combination. Applicant respectfully requests that the rejection be withdrawn and the claim allowed.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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